

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HILL BROTHERS TRANSPORTATION)	
INC., a Nebraska corporation,)	
)	8:03CV327
Plaintiff,)	
)	
vs.)	THIRD AMENDED
)	FINAL PROGRESSION ORDER
CENTRAL LEASING MANAGEMENT,)	
INC., an Illinois corporation,)	
)	
Defendant.)	

This matter is before the court on the plaintiff's Motion to Continue Pre-Trial Conference and Trial (Filing No. 58) and the defendant's Motion for Leave to File Motion for Summary Judgment Out of Time (Filing No. 59). The court conducted a telephone conference with counsel for the parties on May 18, 2006, regarding the motions. Upon consideration, the defendant's motion is denied and the plaintiff's motion will be granted as set forth below.

IT IS ORDERED:

1. The defendant's Motion for Leave to File Motion for Summary Judgment Out of Time (Filing No. 59) is denied.
2. The plaintiff's Motion to Continue Pre-Trial Conference and Trial (Filing No. 58) is granted as set forth below.
3. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall provide to all other parties the following information regarding the evidence that it may present at trial other than solely for impeachment purposes as soon as practicable **but not later than the date specified:**

- A. **Deposition Testimony and Discovery - On or before August 11, 2006:** 1) The portions of each deposition, designated by page and line, that it intends to offer and 2) each discovery response of another party it

intends to offer. Such designations and any objections thereto shall also be included in the final pretrial conference order. **See** NECivR 16.2.

B. Trial Exhibits - On or before August 11, 2006: A list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits. The parties shall also designate on the list those exhibits it may offer only if the need arises.

C. Waiver of Objections - Any objections to the use of witnesses, deposition designations, discovery responses, or exhibits shall be listed in the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) shall be deemed waived, unless excused by the court for good cause shown.

4. **Any** motions *in limine* shall be filed not later than **August 21, 2006**.

5. **The Final Pretrial Conference** with the undersigned magistrate judge is set for **August 28, 2006 at 2:30 p.m.** in chambers, Suite 2271, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Counsel shall complete prior to the pretrial conference, all items as directed in NECivR 16.2. By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin at any time during the session indicated below.

6. **Trial** is set to commence **at 8:30 a.m. on September 19, 2006**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon and a jury.

DATED this 18th day of May, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge